

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

CSX TRANSPORTATION, INC.,

Plaintiff,

v.

LEGO DEMOLITION, LLC and
MITCH G. STEVENSON,

Defendants.

Civil Action No. 1:14-cv-979

**REQUEST FOR DEFAULT JUDGMENTS UPON A SUM CERTAIN
PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 55(b)**

Plaintiff CSX Transportation, Inc. (“CSX”) hereby requests that the Clerk enter default judgment against defendants Lego Demolition, LLC (“Lego”) and Mitch G. Stevenson (“Mitch”) (collectively, the “Defendants”), pursuant to Fed. R. Civ. P. 55(b), and in support thereof, CSX avers the following:

1. CSX filed its Complaint against Defendants on December 26, 2014. *See* Doc. 1.
2. The Defendants were properly served via ordinary mail pursuant to S.D. Ohio Civ. R. 4.2. *See* Doc. 6.
3. Pursuant to Fed. R. Civ. P. 12(a)(1)(A)(i), the Defendants’ answer to the Complaint was due on or before May 18, 2015.
4. Counsel did not enter an appearance on behalf of the Defendants nor did the Defendants file any responsive pleadings.
5. On June 5, 2015, CSX submitted its Request for Entry of Default Pursuant to Rule 55(a) requesting that the Clerk enter defaults against the Defendants. *See* Doc. 11.

6. On June 19, 2015, the Clerk entered default against the Defendants for failure to plead or otherwise defend as required by the Federal Rules of Civil Procedure. *See* Doc. 12.

7. As a result of the default entered against the Defendants, the Defendants are jointly and severally liable to CSX for the damages alleged by the Complaint for the scrap metal and railroad equipment sold by CSX for which CSX has not been paid.

8. CSX's claim against the Defendants is for a sum certain or a sum that, by computation, can be made certain. The Defendants are liable to CSX, jointly and severally, in the amount of \$204,826.76 for the aforementioned sales of scrap metal and railroad equipment. *See* Declaration of Ed Berlin attached as Exhibit A.

9. The amount of the judgment entered against the Defendants, as averred in the Declaration of Ed Berlin, is justly due and owing, and the costs sought to be taxed have been or will necessarily be incurred in the action.

WHEREFORE, plaintiff CSX Transportation, Inc. requests the Court enter judgment by default pursuant to Rule 55(b) of the Federal Rules of Civil Procedure against defendants Lego Demolition, LLC and Mitch G. Stevenson, jointly and severally, in the amount of \$204,826.76.

Respectfully Submitted,

/s/ Wm. Douglas Haman

Douglas Haman (0069781)

LAW OFFICE OF DOUGLAS HAMAN, ESQ., LLC

P.O. Box 14328

Cincinnati, Ohio 45250

513.702.2112

doughaman@wdhlaw.com

Dated: December 17, 2015

CERTIFICATE OF SERVICE

I hereby certify that on December 17, 2015, a true and correct copy of this Request for Default Judgment upon a Sum Certain Pursuant to Federal Rule of Civil Procedure 55(b) was electronically filed with the Clerk of the United States District Court and mailed to the following:

Lego Demolition, LLC
c/o Mitch Stevenson (Registered Agent)
8662 Hampton Bay Place
Mason, OH 45040

Mitch G. Stevenson
8662 Hampton Bay Place
Mason, OH 45040

/s/ Wm. Douglas Haman
Douglas Haman (0069781)